

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA**

NANCY E. NIPPER-PHELPS,

Plaintiff,

v.

Case No. 21-CV-28-JFH-SPS

**COMMISSIONER OF THE SOCIAL
SECURITY ADMINISTRATION,**

Defendant.

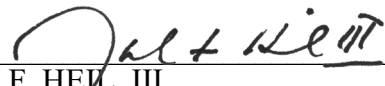
ORDER

Before the Court is the Report and Recommendation [Dkt. No. 28] of United States Magistrate Judge Stephen P. Shreder recommending that Plaintiff's motion for an award of attorney fees and expenses pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412(d) [Dkt. No. 25] be granted.

Neither party objected to the Magistrate Judge's Report and Recommendation within the 14-day period prescribed by 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72(b). Having reviewed the Report and Recommendation, the Court concurs with the Magistrate Judge's recommendation, and accepts and adopts it as the order of the Court.

IT IS THEREFORE ORDERED that Plaintiff's motion for an award of attorney fees and expenses [Dkt. No. 25] is GRANTED, and Plaintiff is awarded EAJA fees in the amount of \$6,277.50 payable to Plaintiff in care of his counsel. If Plaintiff's counsel also ultimately receives an award of attorney fees under 42 U.S.C. § 406(b), counsel shall refund the smaller award to Plaintiff pursuant to *Weakley v. Bowen*, 803 F.2d 575, 580 (10th Cir. 1986).

Dated this 27th day of December 2022.



JOHN F. HEIL, III
UNITED STATES DISTRICT JUDGE